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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,538	03/01/2002	Sanna Jauk	297-010817-US(PAR)	2256
2512	7590	02/09/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,538	Applicant(s) JAUk ET AL.	
	Examiner Un C. Cho	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1, 2, 6, 7, 9, 10 – 15, 17, 18, 20 and 22 – 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukamoto (US 6,785,563 B2).

Regarding claim 1, Tsukamoto discloses a method for displaying to the user of a mobile station an effect stimulating visual, auditory or tactile sense, in which method (Abstract):

a) a connection is established between a first mobile station and a second mobile station (speech mode is in progress between the mobile unit (Fig. 1) and a distant party, having the same characteristics as mobile unit (Fig. 1), through the base station; Tsukamoto, Col. 2, lines 25 – 26), and

b) speech data or message data representing a first effect stimulating auditory or visual sense is transferred via the connection established (during speech mode, speech data is transferred from the mobile unit to the distant party; Tsukamoto, Col. 2, lines 9 – 11); wherein:

c) data compiled from sounds memory, vibration effects memory, flash patterns memory and/or graphic objects memory for producing a second effect stimulating visual, auditory or tactile sense is transferred and/or activated by the same connection established (vibrator-on/off signal is transferred during speech mode from the mobile unit to the distant party; Tsukamoto, Col. 2, lines 15 – 19 and lines 33 – 61),

d) the first effect stimulating auditory or visual sense is produced in the second mobile station, while maintaining said connection, using a first means of expression comprising at least one element selected from the group of a

loudspeaker and a display (speech data is heard through the speech circuit (Fig. 1, 14); speech circuit inherently having a microphone and a loudspeaker); Tsukamoto, Col. 2, lines 10 – 12), and

e) the second effect stimulating visual, auditory or tactile sense is produced in the second mobile station, while maintaining said connection, using a second means of expression comprising at least one element selected from the group of the loudspeaker, a sounds unit, a vibration unit, at least one light unit and the display, which is selected different from the elements of the first means of expression (vibrator signaling code is transferred during speech mode from the mobile unit to the distant party thus activating the vibrator according to the received signaling code; Tsukamoto, Col. 2, lines 15 – 19 and lines 33 – 61).

Regarding claim 2, Tsukamoto discloses a) a two-way telephone connection is established between the first mobile station and the second mobile station (establishing a call of speech mode between the mobile unit and the distant party), whereby in step b) data compiled from sounds memory, vibration effects memory, flash patterns memory and/or graphic objects memory forming a first effect stimulating visual, auditory or tactile sense is transmitted via the telephone connection (during speech mode, speech data is transferred from the mobile unit to the distant party; Tsukamoto, Col. 2, lines 9 – 11) and in step c) data compiled from sounds memory, vibration effects memory, flash patterns memory and/or graphic objects memory forming a second effect stimulating visual, auditory or tactile sense is transmitted in a User-to-User signaling

message associated with the telephone connection (vibrator signaling code is transferred during speech mode from the mobile unit to the distant party thus activating the vibrator according to the received signaling code; Tsukamoto, Col. 2, lines 15 – 19 and lines 33 – 61).

Regarding claim 6, Tsukamoto discloses that the second effect stimulating visual sense transmitted in step c) is a graphics effect presented on the display (Tsukamoto, Col. 2, lines 27 – 33).

Regarding claim 7, Tsukamoto discloses that the second effect stimulating tactile sense transmitted in step c) is a vibration effect (Tsukamoto, Col. 2, lines 15 – 19 and lines 33 – 61).

Regarding claim 9, Tsukamoto discloses that in step e) a plurality of second effects stimulating visual, auditory or tactile senses are generated at the same time in the mobile station to form an effect entity combined from effects stimulating visual, auditory or tactile sense (Tsukamoto, Col. 2, lines 27 – 33, Col. 2, lines 15 – 19 and lines 33 – 61).

Regarding claim 10, Tsukamoto discloses that the second effect stimulating visual, auditory or tactile sense is activated so as to be automatically presented by the second means of expression comprising of a loudspeaker, a sounds unit, vibration unit, light units and/or display (vibrator signaling code is transferred during speech mode from the mobile unit to the distant party thus activating the vibrator according to the received signaling code; Tsukamoto, Col. 2, lines 15 – 19 and lines 33 – 61).

Regarding claim 11, Tsukamoto discloses that the second effect stimulating visual, auditory or tactile sense is activated so as to be presented by the second means of expression comprising of a loudspeaker, a sounds unit, a vibration unit, light units and/or a display as a consequence of certain user action (vibrator signaling code is transferred during speech mode from the wireless unit to the distant party when the user of the mobile unit inputs signal from the manual input device during a speech mode thus activating the vibrator according to the received signaling code; Tsukamoto, Col. 1, lines 31 – 39, Col. 2, lines 15 – 19 and lines 33 – 61).

Regarding claim 12, Tsukamoto discloses that the second effect stimulating visual, auditory or tactile sense is activated so as to be presented by the second means of expression comprising of a loudspeaker, a sounds unit, a vibration unit, light units and/or a display when a certain start instruction is activated (Tsukamoto, Col. 1, lines 31 – 39, Col. 2, lines 15 – 19 and lines 27 – 61).

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 14, Tsukamoto discloses that it comprises a sounds unit, a sounds controller, and a sounds memory for controlling sound effects (sound circuit (Fig. 1, 14), control unit (Fig. 1, 10; inherently having a memory for controlling the sound circuit); Tsukamoto, Col. 2, lines 5 – 12).

Regarding claim 15, Tsukamoto discloses that it comprises a vibration unit, a vibrator controller, and a vibration effects memory for controlling vibration effects (vibrator and vibrator switch (Fig. 1, 17 and 18), control unit (Fig. 1, 10) and signaling table (Fig. 1, 19); Tsukamoto, Col. 2, lines 5 – 22).

Regarding claim 17, Tsukamoto discloses that it comprises a display, a display controller, and a graphic objects memory for controlling visual effect (display panel (Fig. 1, 16), control unit (Fig. 1, 10; inherently having a memory for controlling the display panel); Tsukamoto, Col. Lines 5 – 22).

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 20, Tsukamoto discloses that it comprises means for transmitting effects to be presented on a second mobile station (vibrator signaling code is transferred during speech mode from the mobile unit (Fig. 1) to the distant party through the wireless interface (Fig. 1, 11); Tsukamoto, Col. 2, lines 15 – 19 and lines 33 – 61

Regarding claims 22, 26 and 27, the claims are interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Regarding claim 28, Tsukamoto discloses wherein said established connection is a voice call (Tsukamoto, Col. 2, lines 25 – 61).

Regarding claim 29, the claim is interpreted and rejected for the same reason as set forth in claim 28.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 8, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of Armanto et al. (US 6,094,587).

Regarding claim 3, Tsukamoto as applied above does not specifically disclose a) a text message connection is established between the first mobile station and the second mobile station, and in steps b) and c) data compiled from sounds memory, vibration effects memory, flash patterns memory and/or graphic objects memory forming a first and a second effect stimulating visual, auditory or tactile sense is transmitted in a text message. In an analogous art, Armanto discloses transmitting ring tones in a text message (Armanto, Col. 4, lines 6 – 10). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide the technique of Armanto to the system of Tsukamoto in order to provide a more efficient way of sending ring tones as characters in a short message, because when ring tones are sent to a mobile station in a short message it does not keep a voice channel engaged thus allowing a user to talk on the phone at the same time as receiving ring tones.

Regarding claim 4, Tsukamoto in view of Armanto as applied above discloses transmitting ring tones converted in a MIDI form (Armanto, Col. 12, lines 7 – 34).

Regarding claims 8 and 21, the claims are interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 4.

6. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of Hirai et al. (US 6,411,198 B1).

Regarding claim 5, Tsukamoto as applied above does not specifically disclose that the second effect stimulating visual sense transmitted in step c) is a lighting effect. In an analogous art, Hirai discloses transmitting a lighting effect (Hirai, Col. 12, lines 51 – 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Hirai to the system of Tsukamoto in order to provide a user friendly

interface for immediately identifying a calling party by utilization of a sounding pattern, blinking of light, vibration of a vibrator and the color of backlight.

Regarding claim 16, Tsukamoto in view of Hirai as applied above discloses light units, a lighting controller, and a flash patterns memory for controlling lighting effects (LED (Fig. 1, 10), light emission control section (Fig. 1, 9) is provided with a table; Hirai, Col. 12, lines 51 – 65).

Response to Arguments

7. Applicant's arguments with respect to claims 1 – 29 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ELISEO RAMOS-FELICIANO
PATENT EXAMINER

Un C Cho
Examiner
Art Unit 2687

2/1/06
